2	DISTRICT OF PUERTO RICO	
3 4	UNITED STATES FIDELITY & GUARANTY COMPANY,	
5	Plaintiff,	Civil No. 04-1984 (JAF)
7	V.	
8 9 10 11	JUAN D. MIESES, his wife CARMEN ACOSTA, and the Conjugal Partnership established between them,	
12	Defendants.	

JUDGMENT BY DEFAULT

On December 16, 2004, the Plaintiff, United States Fidelity & Guaranty Co. (USF&G), filed the above-captioned action. The various Defendants in this action were summoned by publication published in the local newspaper *Primera Hora* on December 18, 2004. As more than thirty days have elapsed without any of the Defendants answering the Complaint requesting an extension of time to do so or otherwise filing a proper responsive pleading, the Plaintiff filed, on February 16, 2005, a Motion for the Entry of Default. <u>Docket Document No. 8.</u> Default was entered on February 22, 2005. <u>Docket Document No. 9</u>.

On May 12, 2005, USF&G filed a motion requesting judgment by default against all Defendants. <u>Docket Document No. 10</u>. Upon careful examination of the documents presented by the Plaintiff and the entire record before this court, Plaintiff's motion is **GRANTED**.

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Consequently, judgment is entered in favor of the Plaintiff. Plaintiff may recover from the Defendants the following amounts due as of May 9, 2005: (a) \$2,004,504.65 in costs associated with discharge payments under payment bond obligations; (b) \$4,186,910.94 in costs associated with discharge payments under performance bond obligations; and (c) \$809,531.02 for all other expenses and costs incurred by Plaintiff to date (including attorney and consultant fees); for a total of \$7,000,946.61.

Pursuant to the statements made by Plaintiff USF&G in <u>Docket</u>

<u>Document No. 10</u>, the court may entertain a petition to amend the judgment for good cause shown.

San Juan, Puerto Rico, this 27^{th} day of May, 2005.

S/José Antonio Fusté JOSE ANTONIO FUSTE Chief U. S. District Judge